PAIENT COOPERATION TREAT.

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

23 June 1999 (23.06.99)

Date of mailing (day/month/year) 27 March 2001 (27.03.01)	in its capacity as elected Office
International application No. PCT/US00/17341	Applicant's or agent's file reference 0994.00126
International filing date (day/month/year)	Priority date (day/month/year)

Applicant

KATTI, Kattesh, V. et al

23 June 2000 (23.06.00)

		_
1.	The designated Office is hereby notified of its election made:	
''	The designated office is noted y notified of its electron made.	
	X in the demand filed with the International Preliminary Examining Authority on:	
	19 January 2001 (19.01.01)	
	in a notice effecting later election filed with the International Bureau on:	
2.	The election X was	
	was was	
	was not	
	made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).	
	\cdot .	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

Zakaria EL KHODARY

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

(19) World Intellectual Property Organization International Bureau





(43) International Publication Date 28 December 2000 (28.12.2000)

PCT

(10) International Publication Number WO 00/78306 A1

(51) International Patent Classification7:

(21) International Application Number: PCT/US00/17341

(22) International Filing Date: 23 June 2000 (23.06.2000)

(25) Filing Language:

English

A61K 31/28

(26) Publication Language:

English

(30) Priority Data:

60/140,576 60/156,151

23 June 1999 (23.06.1999) 27 September 1999 (27.09.1999) **TIS**

- (71) Applicant (for all designated States except US): THE **CURATORS OF THE UNIVERSITY OF MISSOURI** [US/US]; 615 Locust Street Building, 3rd floor, Columbia, MO 65211-1400 (US).
- (72) Inventor: KAMEL, Hideo (deceased).
- (72) Inventors; and
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J. [US/US]; 3220 S. Old Ridge Road, Columbia, MO 65203 (US).

- (74) Agents: KOHN, Kenneth, I. et al.; Kohn & Associates, Suite 410, 30500 Northwestern Highway, Farmington Hills, MI 48334 (US).
- (81) Designated States (national): AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

Published:

With international search report.

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: GOLD-CONTAINING CHEMOTHERAPEUTIC AGENTS

(57) Abstract: There is provided a complex for use as a therapeutic pharmaceutical, the complex has a ligand containing at least one hydroxyalkyl ph sphine donor group bound to a gold atom to form a stable gold-ligand complex. Also provided is a method of treating cancer by administering an effective amount of a complex having a ligand of at least one hydroxyalkyl phosphine group bound to a gold atom to f rm a stable gold-ligand complex. Also provided is a method of preventing the metastasis of cancer and arresting cell growth by administering an effective amount of a complex having a ligand of at least one hydroxyalkyl phosphine group bound to a gold atom to form a stable gold-ligand complex.







INTERNATIONAL SEARCH REPORT

International application No. PCT/US00/17341

A. CLASSIFICATION OF SUBJECT MATTER IPC(7): A61K 31/28 US CL: 514/108, 495						
According to International Patent Classification (IPC) or to both	national classification and IPC	<u> </u>				
B. FIELDS SEARCHED						
Minimum documentation searched (classification system follow	ed by classification symbols)					
U.S. : 514/108, 495						
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched						
Electronic data base consulted during the international search (name of data base and, where practicable	, search terms used)				
C. DOCUMENTS CONSIDERED TO BE RELEVANT						
Category* Citation of document, with indication, where a	ppropriate, of the relevant passages	Relevant to claim No.				
X US 5,843,993 A (KATTI et al.) 0. document	December 1998, see entire	1-7				
Further documents are listed in the continuation of Box	C. See patent family annex.					
* Special categories of cited documents: A' document defining the general state of the art which is not considered to be of particular relevance	*T* later document published after the inte date and not in conflict with the appl the principle or theory underlying the	ication but cited to understand				
E earlier document published on or after the international filing date	"X" document of particular relevance; the considered novel or cannot be considered.	e claimed invention cannot be				
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	when the document is taken alone "Y" document of particular relevance; the					
O' document referring to an oral disclosure, use, exhibition or other means	considered to involve an inventive combined with one or more other such being obvious to a person skilled in t	step when the document is a documents, such combination				
P document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent	family				
Date of the actual completion of the international search 07 SEPTEMBER 2000	Date of mailing of the international sea 0 3 OCT 2000	rch report				
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized offices FREDERICK KRASS Telephone No. (703) 308-1235	nce To				
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INTERNATIONAL PRELIMINARY EXAMINATION REPORTIGE 0 8 137 2001

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0994.00126	FOR FURTHER ACTI	ON See Notifi Preliminary	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)		
International application No.	International filing date (day/month/year)	Priority date (day/month/year)		
PCT/US00/17341	23 JUNE 2000	23 JUNE 1999			
International Patent Classification (IPC) IPC(7): A61K 31/28 and US·Cl.: 5		nd IPC			
Applicant THE CURATORS OF THE UNIVERS	ITY OF MISSOURI				
This international prelimination Examining Authority and is This REPORT consists of a	transmitted to the appli	has been prepa cant according to	red by this International Preliminary Article 36.		
been amended and are the (see Rule 70.16 and Sec	e basis for this report and tion 607 of the Administr	or sheets containin	eription, claims and/or drawings which have ag rectifications made before this Authority. under the PCT).		
These annexes consist of a to	otal of sheets.				
3. This report contains indication	ns relating to the follow	ing items:			
I X Basis of the repo	rt		·		
II Priority					
III Non-establishmer	nt of report with regard	to novelty, invent	tive step or industrial applicability		
IV Lack of unity of	invention				
	nt under Article 35(2) with antions supporting such		y, inventive step or industrial applicability:		
VI Certain documents	cited				
VII Certain defects in t	he international applicati	on			
VIII Certain observation	as on the international ap	plication			
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Date of submission of the demand		Date of completio	n of this report		
19 JANUARY 2001		12 OCTOBER	2001		
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Washington, D.C. 20231		Talanhar No	4700, 200, 4705		
Facsimile No. (703) 305-3230		Telephone No.	(703) 308-1235		

International application No.

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the language or 55.3).	of the translation fi	imished for the purposes of international preliminar	y examination (under Rules 55.2 a
		for amino acid sequence disclosed in the internated out on the basis of the sequence listing:	tional application, the internation
contained i	n the international	application in printed form.	
		ational application in computer readable form.	
		s Authority in written form.	
_		s Authority in computer readable form.	
	•	ently furnished written sequence listing does not	go beyond the disclosure in the
internationa	l application as file	d has been furnished.	
The stateme been furnish	nt that the information ed.	on recorded in computer readable form is identical	to the writen sequence listing has
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			or their house house considered to an
		(some of) the amendments had not been made, since indicated in the Supplemental Box (Rule 70.2(c))	
Replacement sheet in this report as	s which have been fu	as indicated in the Supplemental Box (Rule 70.2(c)). rnished to the receiving Office in response to an invitate and are not annexed to this report since they do not	ion under Article 14 are referred t
and 70.17). **Anv replacement	sheet containing su	ch amendments must be referred to under item 1 a.	nd annexed to this report.

International application No.

statement			
Novelty (N)	Claims	5-7	_ YE
	Claims	1-4	_ NO
Inventive Step (IS)	Claims	NONE	_ Yl
	Claims		_ N
Industrial Applicability (IA)	Claims	1-7	_ Y
	Claims	NONE	_ N
Claims 5-7 lack an inventive step generally teach the use of stable gold-hydrodisclose the treatment of cancer. It is clear well-known in the art to use gold complexe complexes of KATTI ET AL for chemother Claims 1-7 meet the criteria set of	droxyalkyl phosunder PCT Artic xyalkyl phosphin from the backgr s to treat cancer rapy since that is ut in PCT Articl	cle 33(3) as being obvious over KATTI ET AL. KATTI Et e complexes as "therapeutic agents", but do not specificall ound discussion of column 1, lines 21-25, however, that it Accordingly, it would have been obvious to have used the a well-known utility for such agents. e 33(4); the applicability of the claimed compositions and	y is
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INTERNATIONAL SEARCH REPORT

International application No. PCT/US00/17341

A. CLASSIFICATION OF SUBJECT MATTER IPC(7) : A61K 31/28							
	514/108, 495 o International Patent Classification (IPC) or to both	national classification and IPC					
		national classification and it C					
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols)							
U.S. : 514/108, 495							
Documentati	Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched						
Electronic d	ata base consulted during the international search (na	ame of data base and, where practicable	, search terms used)				
C. DOC	UMENTS CONSIDERED TO BE RELEVANT						
Category*	Citation of document, with indication, where ap	propriate, of the relevant passages	Relevant to claim No.				
x	US 5,843,993 A (KATTI et al.) 01 document	December 1998, see entire	1-7				
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Furth	er documents are listed in the continuation of Box C	. See patent family annex.					
- Spe	ecial categories of cited documents:	*T* later document published after the inte					
	cument defining the general state of the art which is not considered be of particular relevance	date and not in conflict with the appl the principle or theory underlying the	invention				
"L" doe	ther document published on or after the international filing date cument which may throw doubts on priority claim(a) or which is and to establish the publication date of another citation or other	"X" document of particular relevance; the considered novel or cannot be conside when the document is taken alone					
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being obvious to a person skilled in the art *P* document published prior to the international filing date but later than *A* document member of the same patent family the priority date claimed							
Date of the actual completion of the international search 07 SEPTEMBER 2000 Date of mailing of the international search report 03 OCT 2000							
Commission Box PCT	nailing address of the ISA/US ner of Patents and Trademarks n. D.C. 20231	Authorized offices	ence for				
Facsimile N	o. (703) 305-3230	Telephone No. (703) 308-1235	I				

PATENT COOPERATION TREATY

From the

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY.

To: KENNETH I. KOHN KOHN & ASSOCIATES 30500 NORTHWESTERN HIGHWAY SUITE 410 FARMINGTON HILLS, MI 48334

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

(PCT Rule 71.1)

Date of Mailing (day/month/year)

05 NOV 2001

Applicant's or agent's file reference

0994.00126

IMPORTANT NOTIFICATION

International application No.

PCT/US00/17341

23 JUNE 2000

Priority Date (day/month/year)

23 JUNE 1999

Applicant

THE CURATORS OF THE UNIVERSITY OF MISSOURI

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

International filing date (day/month/year)

- A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication 2. to all the elected Offices.
- Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

REMINDER 4.

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

Em/rence For

Form PCT/IPEA/416 (July 1992) *

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0994.00126	FOR FURTHER ACTION		cation of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No.	International filing date (a	lay/month/year)	Priority date (day/month/year)
PCT/US00/17341	23 JUNE 2000		23 JUNE 1999
International Patent Classification (IPC) IPC(7): A61K 31/28 and US Cl.: 5		nd IPC	
Applicant THE CURATORS OF THE UNIVERS	ITY OF MISSOURI		
Examining Authority and is 2. This REPORT consists of a This report is also accombeen amended and are the	transmitted to the applic total of sheets. panied by ANNEXES, i.e.,	ant according to , sheets of the desc or sheets containin	ription, claims and/or drawings which have g rectifications made before this Authority.
These annexes consist of a to	otal of sheets.		
3. This report contains indication	as relating to the following	ng items:	
I X Basis of the repo	rt		·
II Priority			
<u></u>		1,	the second secon
<u></u>	•	o noveity, invent	ive step or industrial applicability
IV Lack of unity of	invention		
	nt under Article 35(2) with nations supporting such st		y, inventive step or industrial applicability;
VI Certain documents	cited		·
VII Certain defects in t	he international applicatio	n	
VIII Certain observation	s on the international app	lication	
·			
Date of submission of the demand		Date of completion	n of this report
19 JANUARY 2001		12 OCTOBER	
Name and mailing address of the IPEA/ Commissioner of Patents and Trader Box PCT Washington, D.C. 20231		Authorized officer FREDERICK	Manulperce for
Facsimile No. (703) 305-3230		Telephone No.	(703) 308-1235



International application No.

I.	Ba	sis o	f the repo	rt	-	·	10		
1.	With	regar	d to the elem	nents of the interna	tional applicatio	on:*			
-	\mathbf{x}			al application as	- -				
	_		description		5 ,				
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3.				nucleotide and/or ation was carried				national app	plication, the international
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*	in th	aceme is rep	nt sheets wh port as "orig	closure as filed, as ich have been furni ginally filed" and	shed to the rece	eiving Office in	response to an invi	itation under	Article 14 are referred to imendments (Rules 70.16
*		70.17 renta	-	et containing such	amendments n	nust he referre	d to under item 1	and annexe	ed to this report

V.	Reasoned statement under Article 35(2 citations and explanations supporting	2) with regar such stateme	d to novelty, inventive step or industrial applicabil nt	ity;		
1.	statement			VEC		
	Novelty (N)	Claims	5-7	YES NO		
		Claims	1-4	. 140		
		Claims	NONE	YES		
	Inventive Step (IS)	Claims	1-7	NO		
		Ciaims	1-1			
				YES		
	Industrial Applicability (IA)		1-7 NONE	NO		
	•	Claims	NONE	_		
	Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by KATTI ET AL, which discloses therapeutic agents comprising stable gold-hydroxyalkyl phosphine complexes. Claims 5-7 lack an inventive step under PCT Article 33(3) as being obvious over KATTI ET AL. KATTI ET AL generally teach the use of stable gold-hydroxyalkyl phosphine complexes as "therapeutic agents", but do not specifically disclose the treatment of cancer. It is clear from the background discussion of column 1, lines 21-25, however, that it is well-known in the art to use gold complexes to treat cancer. Accordingly, it would have been obvious to have used the gold complexes of KATTI ET AL for chemotherapy since that is a well-known utility for such agents. Claims 1-7 meet the criteria set out in PCT Article 33(4); the applicability of the claimed compositions and methods to the medical/pharmaceutical industries is self-evident.					
	NONE					